19 52.

File No. Speaker's and Chairmen's S. and A. II/52 (R)

Legal Department

B. **BRANCH**

Subject:— Rules under the Bombay Speaker's and Chairmen's Salaries and Allowances Act, 1952.

P 2/E

File No. Speaker's and Chairmen's S. and A. II/52 (R)

Gen. 194 e.

620-B

- 1 - Legal Department.

Under section 10 of the Bombay Act No. VIII of 1952 the Deputy Speaker is entitled to a salary of Rs. 500/- p.m. and under section 11 he is entitled to receive, in addition, his salary as a Member of the State Legislature under section 3(1)(a) of Bombay Act No. III of 1937 read with article 195 of the Consitution. There is no ~~other~~ provision in the Bombay Act, No. VIII of 1952 under which he is entitled to a residence at Government cost. As the Deputy Speaker has not been provided with residence under the said Act, such accommodation has been provided under executive instructions only. Since there are no definite orders of Government on the question whether the Deputy Speaker should be treated as a Government servant and whether he should be charged rent in accordance with the provisions of Rule 849 of the B.C.S.R., the Public Works Department will have to decide this question in consultation with the Finance Department, if necessary. No point of law is involved.

Sd.

Additional Secretary to Government.

U.R. to P.W.D. No. 12590, dated the 30th July 1952.

VOP. 5-7-56.

The view taken by the Under Secretary, Finance Department, that Shri Kunte would continue to hold the office of the Speaker during his stay out of India and as such he is eligible to draw a conveyance allowance is correct. The analogy of the rules providing for a conveyance allowance which are applicable to ~~be~~ a Government Servant would not apply to the present case, nor would the ruling given in para. 2 of the letter of Comptroller and Auditor General of Indian to the Accountant General, Bombay No. D.O. 875/A 145-50 dated 26-12-1950 which is applicable to a Cabinet Minister, apply to the Speaker of the Bombay Legislative Assembly.

2. Section 3 of the Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1952, provides that there shall be paid to the Chairman and the Speaker each, a salary of rupees eleven hundred per month. In section 5(2) of the said Act it is clearly provided that there shall be paid to the Chairman and the Speaker each a conveyance allowances at the rate of Rs. 250/- per month. The said provision ~~at the rate~~ is not hedged in by any condition under which the Speaker is entitled to the conveyance allowance. A conveyance allowance of Rs. 250/- p.m. therefore, must be paid to the Speaker so long as he continues to be a Speaker irrespective of the fact whether he is in India or away from India.

Sd. P.M.Lad.
19/9

Remembrancer of Legal Affairs.

U.R to F.D. No. 154 16/B dated the 19th Sept. 1952.

VGP. 5-7-56.